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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,307	11/21/2001	Jukka Vialen	4925-137PUS	2183
7590 01/15/2004				
Michael C Stuart Cohen Pontani Lieberman & Pavane 551 Fifth Avenue Suite 1210 New York, NY 10176		EXAMINER OMARY, NAWARA T		
		ART UNIT PAPER NUMBER		
		2683		

DATE MAILED: 01/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,307

Applicant(s)

VIALEN ET AL.

Examiner

Nawara T. Omary

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien et al. (Patent #5,797,096) in view of Tiedemann Jr. et al. (Patent #6,216,004).

In regard to Claim 1, Lupien discloses a method for use in a cellular telecommunications network for selection of a cell for use by a mobile station in a cell-connected state, said cellular telecommunications network comprising a plurality of radio access networks having cells, said calls being grouped into registrations areas, and said mobile station having a plurality of states, said states comprising an idle-mode state; a registration area-connected state, the location of a mobile station in which state is known to the cellular telecommunications network on a registration area –level I (Abstract) (Figs. 1 and 3) (C1, L.8-12, L.28-40) (C3, L.15-22, L.27-30, L.61-67) (C4, L.1-39) (C5, L.66-67) (C6, L.1-12). However, Lupien does not disclose in his system and method the cell-connected state. Wherein, the location of a mobile station in which state

is known to the cellular telecommunications network on a cell level, characterized in that cell identification information is attached as a parameter to a message initiating the change of the mobile station to the cell-connected state, and in that the method comprises steps, in which the network selects a cell to be suggested as the cell for use by the mobile station in the cell-connected state, and the network indicates said cell by attaching cell identification information as a parameter to said message . Tiedemann teaches in his system and method the cell-connected state for the mobile in the cellular network at the cell level C1, L.35-46)(C3, L.13-59)(C8, L.54-67)(C9, L1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Tiedemann on Lupien in order to provide better communication linking.

In regard to Claim 2, Tiedemann further discloses that the message generated in Claim 1 for initiating the change of the mobile station to the cell-connected state is a radio resource control message (C9, L.30-34). Wherein the examiner interprets the referenced control message to be a radio control message since it is generated and transmitted between a mobile and a base station controller. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Tiedemann on Lupien in order to provide better signal determination.

In regard to Claim 3, Tiedemann further discloses his modified method the step in which a mobile station selects a cell for use in the cell-connected state, and the mobile station indicates the selected cell by attaching cell identification information as a parameter to a second message (C3, L.40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Tiedemann on Lupien in order to provide reliable communication confirmation.

In regard to Claim 4, Lupien discloses the mobile station selects a cell, the selection is made from a set of cells comprising cells known by the mobile station and said cell indicated by the network (Fig. 1)(C3, L.52-67)(C4, L.1-66).

In regard to Claim 5, Lupien does not disclose that the method of Claim 1 comprises a step, in which the network selects a cell of the active set of the mobile station to tie a default cell to be suggested to the mobile station.

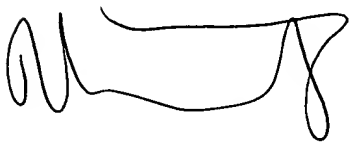
Tiedemann teaches the step of selection from an active set (Abstract)(C3, L.13-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Tiedemann on Lupien in order to provide better communication establishment.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nawara T. Omary whose telephone number is 703.305.6311. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703.308.5318. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Nawara T. Omary



January 7, 2004



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600